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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,529	11/05/2003	Bernhard Wichelmann	900.43248X00	5921

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EXAMINER

PRICE, RICHARD THOMAS JR

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/700,529

Applicant(s)

WICHELMANN, BERNHARD

Examiner

Thomas Price

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 22 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 022-2000, 11-05-2003
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borup U.S. Patent 5,045,021.

Borup teaches a method of thermal treatment and an apparatus for carrying out the method. More specifically, the steps of the method include scalding the bodies of pigs by introducing heated water vapor into a heated scalding compartment at a predetermined temperature. Further, at least one flow of a water vapor-air mixture is generated and guided against the carcasses at predetermined regions without the carcasses being submersed in water. See the related discussion column 3, lines 16-30. As seen in Figure 1, water vapor is introduced into a lower region of the scalding compartment. However, Borup does not discuss or teach the method of scalding on poultry carcasses.

In regards to claims 1 and 13, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the method of Borup to be performed on poultry carcasses, in that, both types of carcasses are widely known for being scalded during the processing of turning the carcasses into food, and as a result, are considered to be structurally equivalent.

Art Unit: 3643

As for claims 2 and 14, in Figure 1, the water air-vapor mixture is introduced at a lower region through nozzles 13/14.

Regarding claims 3 and 4, on column 3, lines 20-23, Borup teaches a scalding compartment heated to a temperature of about 48 degrees C to 65 degrees C.

In regards to claim 5, column 3, line 23, Borup teaches a relative humidity of 90%. The Examiner believes that 90% relative humidity defines a saturated water vapor.

As for claim 6, in Figure 1 of Borup, the animal carcasses are hung by their feet with a preset velocity along a pathway of a transporting line within the scalding compartment. See column 6, lines 45-48.

In regards to claim 7, the pathway length can be varied. See column 6, lines 22-24.

Regarding claims 8, 9, 11, 12, 24 and 25, the control device 9 regulates the water vapor-air mixture.

In regards to claim 10, a conveyor 18 transports the carcasses past a plurality of guided flows 13/14 of the water vapor-air mixture.

As for claim 15, Borup performs the method of scalding in a chamber. Borup teaches the use of sluices 21 or doors in mutual alignment. The Examiner believes that a chamber inherently includes an inlet lock or door and an outlet lock or door.

Regarding claims 16 and 17, the term "conveyor" is widely regarded as a endless conveyor such that a loop is formed. The claim language of "having runs substantially parallel to each other" is not taught by Borup. Borup teaches having a plurality of subunits in series. However, it is widely known in the mass production systems of carcass processing to have multiple and parallel conveyor runs. This allows for

Art Unit: 3643

particular conveyor runs to be cleaned while other conveyor runs are operating.

Further, the specification contains no discuss or proof as to the criticality of such a feature, and as a result, is considered to be obvious to a person of ordinary skill in the art at the time the invention was made.

Regarding claim 18, a fan 2 draws off the water vapor-air mixture from an interior of the scalding compartment and a pressure line which reintroduces the water vapor-air mixture into the scalding compartment. The water supplied from the outside to the chamber interior is considered to be a suction line, in that, air traveling over a water supply pipe will inherently create a suction due to the drop in air pressure as a result of the traveling air.

In regards to claims 20-24, Borup teaches nozzle holders arranged in the scalding compartment, including a horizontal tube and a closed end tube extending vertically. See Figure 1.

However, Borup does not teach a fan associated with a flap box.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Borup U.S. Patent 5,045,021 in view of Snowden U.S. Patent 3,657,768.

Borup does not teach at least one fan associated with a flap box. Snowden teaches a damper or flap box 60 associated with a fan. Regarding claim 19, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the fan of Borup to include a flap box, in view of the teachings of Snowden, in order to provide proper air circulation in the water air-vapor mixture.

Conclusion

Summary: Claims 1-25 are rejected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Price whose telephone number is 571-272-6892. The examiner can normally be reached on M-F from 6:30a.m. to 3:00p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Thomas Price
Primary Examiner GAU: 3643

rtp